

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1498, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 2, delete lines 8 through 12, begin a new line double block  
2           indented and insert:  
3               **"(A) at least ten (10) years of creditable service, if the**  
4               **member died in service as a member of the general**  
5               **assembly;**  
6               **(B) at least ten (10) years but not more than fourteen (14)**  
7               **years of creditable service if the member was at least**  
8               **sixty-five (65) years of age and died in service in a position**  
9               **covered by the fund (other than a position described in**  
10              **clause (A)); or**  
11              **(C) at least fifteen (15) years of creditable service, if the**  
12              **member died in service in a position covered by the fund**  
13              **(other than a position described in clause (A)); and".**  
14           Page 4, delete lines 30 through 42, begin a new paragraph and  
15           insert:  
16               "SECTION 2. IC 5-10.2-3-7.6, AS AMENDED BY P.L.99-2007,  
17           SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18           JANUARY 1, 2007 (RETROACTIVE)]: Sec. 7.6. (a) This section  
19           applies to the surviving spouse and the surviving dependent of a  
20           member who:  
21               (1) dies after June 30, 1996;

(2) has at least thirty (30) years of creditable service; and

(3) dies in service in a position covered by the fund.

(b) If a member described in subsection (a) dies with a surviving spouse who was married to the member for at least two (2) years, the board may determine that the surviving spouse is entitled to a survivor benefit equal to the monthly benefit that would have been payable to the spouse under the joint and survivor option of IC 5-10.2-4-7 upon the member's death following retirement at:

(1) fifty-five (55) years of age; or

(2) the actual date of death;

whichever is later. However, benefits payable under this section are subject to ~~IC 5-10.2-3-7.5(c) and IC 5-10.2-3-7.5(g)~~; **section 7.5(f) and 7.5(h) of this chapter.**

(c) If a member described in subsection (a) dies without a surviving spouse who was married to the member for at least two (2) years, but with a surviving dependent, the board may determine that the surviving dependent is entitled to a survivor benefit in a monthly amount equal to the actuarial equivalent of the monthly benefit that would have been payable to the spouse (assuming the spouse would have had the same birth date as the member) under the joint and survivor option of IC 5-10.2-4-7 upon the member's death following retirement at:

(1) fifty-five (55) years of age; or

(2) the actual date of death;

whichever is later. If there are two (2) or more surviving dependents, the actuarial equivalent of the benefit described in this subsection shall be calculated and, considering the dependents' attained ages, an equal dollar amount shall be determined as the monthly benefit to be paid to each dependent. Monthly benefits under this subsection are payable until the date the dependent becomes eighteen (18) years of age or dies, whichever is earlier. However, if a dependent has a permanent and total disability (using disability guidelines established by the Social Security Administration) on the date the dependent becomes eighteen (18) years of age, the monthly benefit is payable until the date the dependent no longer has a disability (using disability guidelines established by the Social Security Administration) or dies, whichever is earlier. Benefits payable under this section are subject to ~~IC 5-10.2-3-7.5(c) and IC 5-10.2-3-7.5(g)~~; **section 7.5(f) and 7.5(h) of this chapter.**

SECTION 3. [EFFECTIVE JULY 1, 2009] (a) **As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.**

(b) **Not later than October 1, 2009, the fund shall pay the amount determined under subsection (c) to a member of the fund**

1 (or to a survivor or beneficiary of a member) who retired or was  
 2 disabled before January 1, 2009, and who is entitled to receive a  
 3 monthly benefit on July 1, 2009. The amount is not an increase in  
 4 the pension portion of the monthly benefit.

5 (c) The amount paid under this SECTION to a member of the  
 6 fund (or to a survivor or beneficiary of a member) who meets the  
 7 requirements of subsection (b) is determined as follows:

8 If a Member's Creditable	The Amount Is:
9 Service Is:	
10 At least 5 years, but less than 10 years	\$150
11 (only in the case of a member receiving	
12 disability retirement benefits)	
13 At least 10 years, but less than 20 years	\$275
14 At least 20 years, but less than 30 years	\$375
15 At least 30 years	\$450

16 (d) The creditable service used to determine the amount paid to  
 17 a member (or a survivor or beneficiary of a member) under this  
 18 SECTION is the creditable service that was used to compute the  
 19 member's retirement benefit under IC 5-10.2-4-4 except that  
 20 partial years of creditable service may not be used to determine the  
 21 amount paid under this SECTION.

22 (e) This SECTION expires January 1, 2010."

23 Delete page 5.

24 Page 6, delete lines 1 through 10.

25 Page 6, line 18, delete "an active or inactive member of the fund;"  
 26 and insert "not eligible for a survivor benefit under IC 5-10.2-3-7.5,  
 27 before its amendment by this act, but is eligible for a survivor  
 28 benefit under IC 5-10.2-3-7.5, after its amendment by this act;"

29 Renumber all SECTIONS consecutively.

(Reference is to EHB 1498 as printed March 27, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 11, Nays 0.

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**Senator Kenley, Chairperson**